

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY DIVISION**

HARTFORD FIRE INSURANCE COMPANY,

Plaintiff,

v.

P&H CATTLE COMPANY, INC., et al.

Defendants.

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Case No. 05-2001-DJW

ORDER REQUIRING PRODUCTION OF DOCUMENTS IN AID OF EXECUTION

On October 2, 2007, this Court held a hearing in aid of execution pursuant to Federal Rule of Civil Procedure 69 at which Plaintiff Hartford Fire Insurance Company (“Plaintiff”), by and through its attorneys of record, inquired of Defendants Olma and Velma Peak regarding their assets. Plaintiff had previously served a request for production of documents upon Defendants directing that they produce certain documents for this purpose at or before the hearing. Plaintiffs failed to produce records pertaining to a number of subjects, including: (1) life insurance policy information; (2) information regarding two limited liability companies, P and P Cattle Company, LLC and Peak Cattle, LLC in which Olma V. Peak or Velma P. Peak appear to have an interest; and (3) information regarding the assets of the Olma V. Peak and Velma P. Peak Irrevocable Trust (“Peak Trust”). Defendants agreed to produce items (1) and (2) above within a reasonable time but asserted that the records of the Peak Trust were not in their care, control or custody. Plaintiff asserted that they were required to obtain such responsive documents to which they were legally entitled from the Peak Trust under the terms of the Trust itself and under K.S.A. §58a-813.

After reviewing the file, hearing the statements of counsel, and being otherwise duly and fully advised in the premises, the Court finds that Defendants Olma V. and Velma P. Peak should request of the Trustees of the Peak Trust those documents and information responsive to the Plaintiff's request for production of documents to which the Defendants are legally entitled and provide such documents obtained to Hartford Fire Insurance Company. It is therefore Ordered:

Defendants shall provide within **thirty (30) days** the documents that they have agreed to produce concerning the life insurance policy and P&P Cattle Company, LLC and Peak Cattle, LLC;

It is further Ordered that

Defendants Olma V. Peak and Velma P. Peak, as qualified beneficiaries of the Olma V. Peak and Velma P. Peak Irrevocable Trust, are hereby ordered to make a written request to the Trustees of the Peak Trust for all documents to which they are legally entitled under the terms of the Peak Trust, or under the Uniform Trust Code, Kan. Stat. Ann. § 58a-101, *et seq.*, that are responsive to Plaintiff Hartford Fire Insurance Company's Request for Production of Documents to Olma V. Peak and Velma M. Peak (and specifically request nos. 2, 3, 4, 5, 6, 8, 9, 11, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 30, 31, and 32 thereof), and to provide the documents received to Hartford Fire Insurance Company.

IT IS SO CONSIDERED, ORDERED, ADJUDGED AND DECREED.

Dated: November 20, 2007.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

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